

EXHIBIT 4

Shae Randolph
03/19/2025

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARA KIMBROUGH,	:	
	:	NO. 24-CV-04470
Plaintiff	:	
	:	
-VS-	:	
	:	
BUCKS COUNTY, LAUREN SMITH,	:	
SHAE RANDOLPH and DAVID KRATZ,	:	
	:	
Defendants	:	

* * * * *

WEDNESDAY, MARCH 19, 2025

* * * * *

Oral deposition of SHAE RANDOLPH, ESQUIRE,
was taken at the Bucks County Administration
Building, 55 E. Court Street, Doylestown,
Pennsylvania, before Renee Schumann, a Notary Public
of the State of New Jersey and Notary Public of the
Commonwealth of Pennsylvania, on the above date,
commencing at 1:09 p.m.

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A P P E A R A N C E S:

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1 I N D E X

2

3 WITNESS PAGE

4 SHAE RANDOLPH, ESQUIRE,

5 (Witness Sworn.)

6

7 DIRECT EXAMINATION BY MS. GRIESER 5

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9 REDIRECT EXAMINATION BY MS. GRIESER 76

10 RECROSS-EXAMINATION BY MR. MANSOUR 80

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12

E X H I B I T S

13

14 NUMBER DESCRIPTION PAGE

15 D-11 March 5, 2024 E-mail 9

16 D-12 Investigation Report 13

17 D-13 May 30, 2024 E-mail 20

18 D-14 June 7, 2024 E-mail 30

19 D-15 Disciplinary Action Form 31

20 D-16 June 11, 2024 E-mail 31

21 D-17 Interview 32

22 D-18 Outline 33

23 D-19 Memorandum 33

24 D-20 Notice of Fact-Finding Meeting
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E X H I B I T S

NUMBER	DESCRIPTION	REFERENCED
P-7	Employment Investigation Document	
P-8	March 5, 2024 E-mail	
P-9	Disciplinary Action Form	

REQUESTS FOR PRODUCTION:

BY MR. MANSOUR: Page 60 Line 23
75 20

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1 * * * * *

2 (It is agreed by and between counsel
3 that reading, signing, sealing, filing, and
4 certification are hereby waived and all
5 objections, except as to the form of the
6 questions, are reserved until the time of
7 trial.)

8 * * * * *

9 SHAE RANDOLPH, ESQUIRE, having been
10 duly sworn according to law, was examined and
11 testified as follows:

12 * * * * *

13 DIRECT EXAMINATION

14 * * * * *

15 BY MS. GRIESER:

16 Q. Good afternoon. Can you please state
17 your full name and spell it for the record.

18 A. Shae Randolph, S-h-a-e R-a-n-d-o-l-p-h.

19 Q. And have you ever been deposed before?

20 A. No, I have not.

21 Q. But you are an attorney?

22 A. I am.

23 Q. So you're taken part in depositions
24 before?

25 A. Yes.

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1 Q. I'm just going to go over the basic
2 stuff. Have you consumed any mind or mood altering
3 substances within the past 24 hours that would affect
4 your testimony or your ability to testify truthfully?

5 A. No, I have not.

6 Q. Are you suffering from any medical
7 conditions that could interfere with your ability to
8 testify truthfully?

9 A. No, I am not.

10 Q. Of course, we need verbal answers so
11 that our court reporter here can get it on the
12 record. Remember I don't know is a perfectly fine
13 answer. If you need me to clarify, please don't
14 hesitate to ask me to clarify. If you need a break,
15 just let us know. We just ask that you answer any
16 question that is pending prior to the break, before
17 we take that break.

18 And I may object to questions or if
19 Mr. Mansour has some objections -- or when he asks
20 you some questions I may have some objections, he may
21 have some objections, but we'll instruct you whether
22 you can answer or not. We're going to watch out for
23 attorney-client privilege and attorney work product.

24 Do you have any questions about
25 anything that I just went over?

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1 A. Not at this time.

2 Q. Okay. Tell us what is your general
3 position at the county. What is your title?

4 A. I am an assistant county solicitor.

5 Q. How long have you been with the county?

6 A. Since November of 2023.

7 Q. Where did you work prior to coming to
8 the county?

9 A. I worked a law firm called Ballard
10 Spahr in Philadelphia.

11 Q. Did you work anywhere else prior to
12 that?

13 A. That was my first job out of law
14 school.

15 Q. Now you're an assistant county
16 solicitor. Do you have a specialty or do you
17 specialize with any duties or responsibilities here
18 at the county?

19 A. I specialize in labor and employment,
20 so I work a lot with the human resources department.

21 Q. And -- as part of the law department --
22 to be clear, I am your supervisor, correct?

23 A. Correct.

24 Q. So as far as the law department goes,
25 you are a member of the litigation section; is that

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1 accurate?

2 A. Yes, that's accurate.

3 Q. So give us a little bit of an idea as
4 to what you do in your position as an employment and
5 labor attorney?

6 A. I provide legal advice on various
7 employment issues including hiring, firing,
8 promotions, human resources policies, and other
9 questions that come up.

10 Q. Do you handle or do you ever deal with
11 grievances from employees per their CBA?

12 A. Yes. Depending on the department, they
13 will consult with HR who will often consult with me
14 about employees' CBA grievance.

15 Q. Now, you mentioned that you advised
16 potentially on firings or terminations?

17 A. Correct.

18 Q. Are you the decision maker for those
19 terminations? Do you decide who to fire, who to
20 hire, anything like that?

21 A. No. I just provide legal advice.

22 Q. As your role as a labor and employment
23 attorney, do you make any operational decisions?

24 A. No.

25 Q. Again, you advise only?

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1 A. Advise only.

2 Q. Is your advice always followed?

3 A. No.

4 Q. You know Ara Kimbrough, correct?

5 A. Yes.

6 Q. How did you come to know that name?

7 A. I first learned that name around
8 February or early March of 2024. We received an
9 anonymous e-mail alleging harassing and bullying at
10 the jail.

11 Q. I'm going to hand you what will be
12 marked as D-11 for identification.

13 * * * * *

14 (Whereupon, Exhibit D-11 was marked for
15 identification.)

16 * * * * *

17 BY MS. GRIESER:

18 Q. Do you recognize that document?

19 A. Yes.

20 Q. What is that document?

21 A. This is the e-mail that we received
22 anonymously. It looks like it was sent to Diane Otto
23 who works in human resources.

24 Q. Is there a date on that as to when it
25 was received?

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1 A. It was sent on February 29th of 2024.

2 Q. You said it was sent to Diane Otto on
3 what date?

4 A. February 29, 2024.

5 Q. Who else received that e-mail?

6 A. Commissioner Marseglia, Commissioner
7 Harvie, and Commissioner --

8 Q. DiGirolamo?

9 A. -- DiGirolamo. Amy Fitzpatrick, Rich
10 Vona, Pam Van Blunk, Fred Harran, Diane Gibbons, Rea
11 Boylan.

12 Q. And those are all employees of the
13 county?

14 A. Correct.

15 Q. When did you become aware of this
16 anonymous complaint?

17 A. I don't remember the exact date, but it
18 would have been shortly thereafter this, there was
19 discussion about it.

20 Q. Does HR do investigations into
21 complaints like this typically?

22 A. I think this is an atypical complaint,
23 but HR does investigate complaints of bullying or
24 harassment in the workplace.

25 Q. What makes it atypical?

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1 A. Generally, HR doesn't receive anonymous
2 complaints, nor do they receive complaints that are
3 as detailed or specific.

4 Q. But they have received anonymous
5 complaints in the past; is that right?

6 A. Yes.

7 Q. But do they investigate every anonymous
8 complaint?

9 A. They evaluate every anonymous complaint
10 and will investigate ones or any that have substance
11 or merit.

12 Q. What about this complaint lent itself
13 to an investigation?

14 A. This complaint included specific
15 examples as well as names. I don't know if there was
16 dates, but there was enough detail that HR felt that
17 there was merit to the complaint.

18 Q. Okay. Now, was legal asked to
19 participate in the investigation?

20 A. Legal was.

21 Q. And are you always asked to participate
22 in investigations with HR?

23 A. No, I am not.

24 Q. Why was this one different?

25 A. In addition to it being anonymous, it

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1 also involved a supervisor -- a second level
2 supervisor and a subordinate, so HR felt that the
3 support from legal would be helpful.

4 Q. And who took lead on the investigation?

5 A. HR was always the lead of the
6 investigation.

7 Q. Who from HR did you partner with for
8 this investigation?

9 A. Diane Otto.

10 Q. And her role in HR is what?

11 A. I believe she's an HR manager. She
12 works specifically with corrections.

13 Q. I think they call them business
14 partners; is that right?

15 A. Yes.

16 Q. When did you begin this investigation,
17 to the best of your knowledge?

18 A. We didn't start interviewing people
19 until the end of March, but for a week or two before
20 that, we were gathering information and looking at
21 documents and evaluating who we should be
22 interviewing.

23 Q. What was the scope of the
24 investigation? Did you interview a few people, many?

25 A. We interviewed all the sergeants that

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1 would have had shifts that overlapped with Lieutenant
2 Kimbrough.

3 Q. So the jail is a 24-hour operation,
4 right?

5 A. Correct.

6 Q. And typically COs and other employees
7 of the jail tend to stay on the same shift; is that
8 right?

9 A. Yes.

10 Q. Okay. Showing you what will be marked
11 as Defense Exhibit-12.

12 * * * * *

13 (Whereupon, Exhibit D-12 was marked for
14 identification.)

15 * * * * *

16 BY MS. GRIESER:

17 Q. And do you recognize this?

18 A. I do.

19 Q. What is it?

20 A. This is the investigation report that I
21 drafted at the conclusion of the investigation into
22 Lieutenant Kimbrough.

23 Q. Who received this report?

24 A. You did as my supervisor.

25 Q. And HR never received this report; is

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1 that correct?

2 A. Correct. This was an internal law
3 department document.

4 Q. Why did you do this investigative
5 report? Why did you do this write up?

6 A. For one, it was to show my work.
7 Because the law department does not always partner
8 with human resources, I wanted to document the law
9 department's participation. And to the extent that
10 any part of the investigation were to be later
11 contested, I wanted to have it fairly documented our
12 findings, our method and what our recommendations
13 were.

14 Q. Okay. And is this -- is this dated?
15 Yeah, it's dated on the first page; do you see that?

16 A. Yes.

17 Q. May 17, 2024?

18 A. Correct.

19 Q. So it's fair to conclude that your
20 investigation took from March to May-something?

21 A. Yes.

22 Q. While you did the investigation while
23 you participated in the interviews and whatnot, what
24 was your impression that you got from those you
25 interviewed as to Lieutenant Kimbrough's leadership

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1 style?

2 A. I got the impression that a lot of the
3 sergeants in particular didn't love working for him
4 because he did not work as a sergeant himself. I
5 also got the impression that he would sometimes have
6 outbursts at the sergeants for various reasons and
7 then it would settle down and then something else
8 would happen a couple of months later and the
9 behavior would become cyclical or repeat itself.

10 Q. Let me back you up to the fact that
11 Lieutenant Kimbrough has never worked as a sergeant
12 himself. What did you come to learn regarding his
13 career at the department of corrections here at Bucks
14 County?

15 A. I learned that he was originally hired
16 as a correction officer, most people are, but unlike
17 most people, he then moved into the hearing officer
18 position. So they hear employee grievances, but my
19 understanding is the bulk of it is hearing inmate
20 grievances. And from there he was promoted to the
21 administrative lieutenant position.

22 Q. And is that a typical trajectory for
23 somebody's career at the DOC?

24 A. From what I learned during the
25 investigation, no. For example, the other

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1 administrative lieutenants have all worked as
2 corrections officers, sergeants, floor lieutenants,
3 and then administrative lieutenants.

4 Q. Okay. So Lieutenant Kimbrough never
5 worked as a floor lieutenant or a sergeant. What are
6 their roles mainly?

7 A. Which one.

8 Q. The sergeant?

9 A. Sergeants, they use the phrase of
10 running shift. So they ensure that officers are in
11 the correct staffing locations and that each location
12 has the correct number of officers and that the
13 facility plan of the day is followed.

14 Q. Okay. So is it the sergeants who
15 assign posts?

16 A. No. I believe that is a floor
17 lieutenant's position.

18 Q. And Lieutenant Kimbrough had not done
19 either of those positions?

20 A. My understanding is that he was able to
21 pick up overtime shifts, so he may have worked as a
22 floor lieutenant, but he was never -- that was never
23 his official role.

24 Q. Okay. Did Lieutenant Kimbrough's lack
25 of experience as a sergeant or a shift lieutenant,

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1 did that come in to your findings at all in this
2 investigation?

3 A. It did in the sense that his reaction
4 to the sergeants over things, they often felt that it
5 wasn't -- he wasn't able to see their point of view
6 or be understanding to the situation. And because he
7 was in a management and leadership role, that did
8 come in to the investigation.

9 Q. Okay. And what was the general
10 complaint from the sergeants?

11 A. The general complaint was that he
12 created a hostile work environment, not so much in
13 the legal term of art way, but that they often
14 referred to walking on eggshells, feeling the need to
15 make sure his unit was staffed maybe before other
16 units were staffed to avoid a reaction from him.

17 Q. We have a section here, subsection D,
18 interfering with sergeants running shift. What do
19 you mean by that?

20 A. Specifically, I believe this is
21 referencing when he would call into the jail and he
22 was offsite to have officers moved. So in that sense
23 he was interfering with the sergeant's ability to
24 staff the jail.

25 Q. Now, during the course of your

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1 investigation, did it come to your attention that
2 Lieutenant Kimbrough often felt like he -- let me ask
3 you this first. I'll back up.

4 What was Lieutenant Kimbrough's
5 section?

6 A. He worked in the records and reception
7 unit.

8 Q. And what did you come to learn about
9 his opinion regarding the staffing of that unit?

10 A. Eventually, when I spoke to --
11 throughout the investigation, I learned he would be
12 concerned that there would be safety issues if there
13 was a lot of people coming from jail -- or I'm
14 sorry -- court and needing to be processed that there
15 would be a safety issue if there wasn't enough
16 officers to process them correctly.

17 Q. Did you ever come across evidence that
18 Lieutenant Kimbrough's unit was ever so understaffed
19 as to not be in compliance with staffing policies?

20 A. No. I found that there were times when
21 an officer was working a double shift and they might
22 have been at the armory or they might have been at
23 the women's center and it took them an additional 10
24 or 15 minutes to return their equipment or get to
25 their next post. So there would sometimes be a gap.

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1 I did not find that to be out of compliance with the
2 jail's standard operating procedures.

3 Q. What was his reaction when those types
4 of situations would arise?

5 A. We had several people that we
6 interviewed tell us that he would sometimes make
7 calls to the -- call the sergeant's office, but it's
8 in the center of the facility. He would call and ask
9 them if they were stupid, yelling at them to the
10 point where other people in the office could hear
11 them. There was also an instance when he came down
12 there himself. People relayed that he got in their
13 face to yell at them and it was very demeaning.

14 Q. Okay. So was your opinion that
15 Lieutenant Kimbrough was unhappy with how his unit
16 was staffed on occasion?

17 A. It was my opinion that he was unhappy
18 with the sergeants either not making sure there was
19 no gap or no delay or not communicating that to him.

20 Q. And I'm going to show you what was
21 marked previously in Lauren Smith's deposition as
22 P-7. This is COB 1085 to 1088.

23 Do you recognize that document?

24 A. I do.

25 Q. What is that?

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1 A. This is the human resources
2 investigative report.

3 Q. Okay. And this is the official's
4 report, the one that would end up in Lieutenant
5 Kimbrough's personnel file?

6 A. Correct.

7 Q. Can you confirm the timeline for us of
8 the investigation using that document?

9 A. Yes. We began the investigation
10 officially on March 5th of 2024, and then it was
11 officially wrapped up on May 13th of 2024.

12 Q. Thank you. I'll take that back. I'll
13 show you what we'll mark as Exhibit D-13.

14 * * * * *

15 (Whereupon, Exhibit D-13 was marked for
16 identification.)

17 * * * * *

18 BY MS. GRIESER:

19 Q. Do you recognize that?

20 A. I do.

21 Q. What is that?

22 A. This is the e-mail that I sent to
23 Lieutenant Kimbrough notifying him of his
24 fact-finding meeting.

25 Q. What was that fact-finding meeting?

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1 A. Public employees are entitled to a
2 pre-disciplinary meeting or hearing where they are
3 able to speak for themselves.

4 Q. What is the date of that notification
5 or that e-mail?

6 A. The e-mail was sent on May 30, 2024.

7 Q. What is the time that it was sent?

8 A. 2:46 p.m.

9 Q. Okay. And the purpose of this
10 fact-finding meeting was what?

11 A. To allow him an opportunity to speak
12 for himself before any disciplinary action that would
13 be as a result of the investigation.

14 Q. Okay. So what were the general
15 findings of HR for this investigation?

16 A. Well --

17 Q. I'm sorry, I'm handing you back P-7.

18 A. The general findings were that
19 Lieutenant Kimbrough's behavior did create a hostile
20 work environment not based on a protected
21 characteristic, particularly for the sergeants and
22 the other lieutenants.

23 Q. Okay. Was there any determinations
24 made whether it was his own personal grievance
25 regarding the sergeants or was there anything more

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1 than that?

2 A. This focuses on his grievance with the
3 sergeants getting officers to records and reception
4 in a timely manner.

5 Q. Were there any findings regarding the
6 abuse of his position of authority?

7 A. Yes.

8 Q. Which was what?

9 A. That he tended to think that because he
10 had the word administrative in front of his position
11 that he outranked the other lieutenant at the
12 facility.

13 Q. Is that true?

14 A. Not to my understanding.

15 Q. I believe -- I saw somewhere as well
16 that it was noted that he was a favorite of the DOC
17 administration?

18 A. Yes. I noted that in my report that he
19 was definitely spoken of very highly by DOC
20 administration and they were looking to keep him
21 because he was a good employee.

22 Q. According to --

23 A. According to them.

24 Q. Okay. But again, there was no finding
25 of a staffing policy, just Lieutenant Kimbrough's own

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1 preference as to how staffing should be completed?

2 A. Yes.

3 Q. And again, throughout your
4 participation in this investigation, your role was
5 not as a decision maker; is that right?

6 A. Correct.

7 Q. Okay. When you said earlier that
8 you're part of the litigation section of the law
9 department here at the county --

10 A. Yes.

11 Q. -- do you take part in regular
12 litigation meetings with the rest of the litigation
13 section?

14 A. Yes.

15 Q. So is it fair to say that you're
16 generally aware of all litigation going on to some
17 degree?

18 A. Yes.

19 Q. Were you aware that there was
20 litigation underway regarding a prisoner Patterson
21 who passed away as a result of an overdose at the
22 jail?

23 A. Yes, I was aware of that.

24 Q. At some point you became aware that
25 Lieutenant Kimbrough had made a phone call to a third

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1 party?

2 A. I did.

3 Q. Okay. When did you become aware of
4 that?

5 A. I believe it was the morning of May
6 31st.

7 Q. Do you recall how you became aware of
8 it?

9 A. We had an unscheduled meeting with the
10 litigation team to discuss the call.

11 Q. Did you find the timing of that phone
12 call from Lieutenant Kimbrough odd?

13 A. I found it odd.

14 Q. Okay.

15 A. It would have been hours after I sent
16 him the notice of the fact-finding meeting.

17 Q. Okay. And at this time -- and if you
18 don't know, that's fine. But do you know at what
19 stage the Patterson litigation was at when -- around
20 May 31st when you found out about Lieutenant
21 Kimbrough's phone call?

22 A. I know our former co-worker Tyler
23 Branchet (ph.) had already filed a motion for summary
24 judgment.

25 Q. And we were just waiting for a decision

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1 from the judge?

2 A. Right.

3 Q. And to the best of your knowledge and
4 belief, did the county produce any witnesses that
5 were requested by the plaintiff's attorney in that
6 case Brian Ziegler?

7 A. Yes.

8 Q. Let's be clear, you did not participate
9 in that litigation yourself?

10 A. No.

11 Q. Do you know whether plaintiff's
12 attorney in the Patterson case, Mr. Ziegler, did he
13 ever request to depose Ara Kimbrough?

14 A. Not that I'm aware, but I would not
15 have been involved in those.

16 Q. What is your understanding -- what was
17 your general understanding of what Ara Kimbrough
18 relayed to Brian Ziegler during that phone call?

19 A. At what point?

20 Q. At the point when you first became
21 aware of the phone call?

22 A. When I first learned of the phone call,
23 all I knew was that he contacted Brian Ziegler the
24 night before and wanted to discuss the case.

25 Q. I guess, given your answer, at some

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1 point you learned more details about what was
2 relayed?

3 A. Yes.

4 Q. How did you become aware of those
5 details?

6 A. I was provided with a copy of Dan
7 Grieser's report after he met with Ara Kimbrough to
8 discuss his conversation with Brian Ziegler.

9 Q. Was anybody else present during that
10 interview?

11 A. I also received notes from Lauren
12 Smith.

13 Q. And Lauren Smith is the director of HR,
14 that's her title?

15 A. Chief human resources officer.

16 Q. What was your role in that
17 investigation, if any?

18 A. Beyond that first phone call on May
19 31st, my role was limited. I was still trying to
20 wrap up the investigation into the alleged harassment
21 and bullying. And I wanted to make sure that was
22 cleaned up and I also know there was a conscious
23 decision to keep things separate.

24 Q. Okay. And what's your understanding --
25 at some point did you come to understand that what

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1 Lieutenant Kimbrough had relayed to Attorney Ziegler
2 was confidential in some way?

3 A. What is the question? At what point or
4 did I?

5 Q. Did you.

6 A. After reading Dan's report and Lauren's
7 notes, it became clear that he disclosed information
8 about the jail security operations.

9 Q. Tell us a little bit more about that.

10 A. From reading the reports and the notes,
11 he relayed the events leading up to -- I believe it
12 was Rhoades, an inmate that snuck drugs into the
13 facility. And he mentioned Officer Ulmire (ph.)
14 being pulled away and, you know, codes and other
15 things like that.

16 Q. Code 99?

17 A. Yes.

18 Q. At this point were you concerned with
19 any possible first amendment issues?

20 A. At that point I was primarily concerned
21 with whistleblower issues. We do have a
22 whistleblower policy. So that was my first thought.

23 Q. Okay. Now, what did the county do
24 immediately upon learning that Lieutenant Kimbrough
25 had contacted an outside party regarding events in

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1 the Patterson matter?

2 A. In the Patterson matter we immediately
3 have to respond to emergency motion. Do you mean
4 beyond that?

5 Q. Yes.

6 A. The county didn't take necessarily
7 immediate action because we were considering a
8 potential whistleblower issue. So Dan reached out to
9 Lieutenant Kimbrough to schedule a meeting to find
10 out exactly what was said.

11 Q. Okay. Do you recall on or about June
12 1st that the county began pulling Lieutenant
13 Kimbrough's e-mail, work e-mail?

14 A. I was aware that was happening.

15 Q. Do you know or were you aware that
16 Lieutenant Kimbrough was not notified of this
17 investigation right away?

18 A. I was aware of that.

19 Q. What was the purpose of not making him
20 aware?

21 A. The purpose was to be able to determine
22 what information was leaked and if that was still
23 happening.

24 Q. So going back to your e-mail D-13 where
25 you notify Lieutenant Kimbrough of the fact-finding

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1 hearing, it says that you expect to hold a hearing on
2 June 3rd. Was that hearing held on June 3rd?

3 A. It was.

4 Q. Okay. And that fact-finding meeting
5 was only in regard to the -- for lack of a better
6 term, I'm going to refer to the first investigation
7 as the bullying investigation. That fact-finding
8 meeting was solely focused on the bullying
9 investigation; is that right?

10 A. That is correct.

11 Q. I'm going to show you what has been
12 previously marked in Lauren Smith's deposition as
13 P-8.

14 Do you recognize that document?

15 A. I do.

16 Q. And what is it?

17 A. This is the actual fact-finding notice.

18 Q. For the --

19 A. For the June 3rd, the bullying
20 investigation.

21 Q. Is that what is attached to D-13? It's
22 the same one that's attached to D-13?

23 A. Yes.

24 Q. Okay. And that did occur on June 3rd?

25 A. Correct.

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1 Q. I'm going to show you what we can mark
2 as D-14. And this is COB 2388 through COB 2390.

3 * * * * *

4 (Whereupon, Exhibit D-14 was marked for
5 identification.)

6 * * * * *

7 THE WITNESS: I recognize this
8 document.

9 BY MS. GRIESER:

10 Q. What is that document?

11 A. This is an e-mail from Ara Kimbrough
12 from June 7th of 2024. He was following up on the
13 investigation. For context, he did have some
14 witnesses, character witnesses, that participated in
15 the fact-finding on June 3rd, but for the sake of
16 time, we had some of them just submit statements so
17 he was following up on that in this e-mail.

18 Q. So it's fair to say in between June 4th
19 through the 7th that the county was attempting to
20 wrap up the bullying investigation?

21 A. Yes. We were waiting -- we wanted to
22 be able to receive any statements that he wanted to
23 submit.

24 Q. Okay. And this will be D-15.

25 * * * * *

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1 (Whereupon, Exhibit D-15 was marked for
2 identification.)

3 * * * * *

4 BY MS. GRIESER:

5 Q. And what is that?

6 A. This is Ara Kimbrough's step one
7 discipline from June 10th.

8 Q. And, again, that's in relation to the
9 bullying investigation?

10 A. Correct.

11 Q. And this will be D-16.

12 * * * * *

13 (Whereupon, Exhibit D-16 was marked for
14 identification.)

15 * * * * *

16 BY MS. GRIESER:

17 Q. Do you recognize that?

18 A. I do.

19 Q. What is that?

20 A. This was the e-mail that Dan sent to
21 Ara Kimbrough to schedule a meeting.

22 Q. And Dan Grieser, to be clear, is
23 another deputy solicitor here in the law department?

24 A. Yes.

25 Q. And that was sent on what date?

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1 A. He sent the initial e-mail on June 10,
2 2024, and a second on June 11th.

3 Q. I'm handing you what will be marked as
4 D-17.

5 * * * * *

6 (Whereupon, Exhibit D-17 was marked for
7 identification.)

8 * * * * *

9 BY MS. GRIESER:

10 Q. Do you recognize that?

11 A. I do.

12 Q. And what is that?

13 A. These are the notes from Lauren Smith
14 from that June 12th meeting of Ara Kimbrough.

15 Q. So it did take place on June 12th?

16 A. Correct.

17 Q. All right.

18 MR. MANSOUR: What is the Bates on
19 that?

20 MS. GRIESER: COB 1106 to 1111.

21 MR. MANSOUR: Thank you.

22 BY MS. GRIESER:

23 Q. I am going to hand you what will be
24 marked as D-18.

25 * * * * *

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1 (Whereupon, Exhibit D-18 was marked for
2 identification.)

3 * * * * *

4 BY MS. GRIESER:

5 Q. Do you recognize that?

6 A. I do.

7 Q. What is that?

8 A. These are updates, I believe, from
9 Diane Otto to Lauren Smith.

10 Q. And according to that document, when
11 was the last day that Lieutenant Kimbrough worked?

12 A. June 12, 2024.

13 Q. And to be clear, that's the same day of
14 the interview that he had with Dan Grieser and Lauren
15 Smith?

16 A. Yes.

17 Q. And after that what is your
18 understanding as to why he was not at work?

19 A. My understanding was that he used
20 either vacation or sick time.

21 Q. I'll mark this as D-19.

22 * * * * *

23 (Whereupon, Exhibit D-19 was marked for
24 identification.)

25 * * * * *

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1 BY MS. GRIESER:

2 Q. Do you recognize that?

3 A. Yes.

4 Q. What is that?

5 A. This is the report that Dan Grieser
6 wrote on his meeting with Ara Kimbrough.

7 Q. What is the date on that document?

8 A. June 13, 2024.

9 Q. Okay. To your best recollection, when
10 was the separation in general release of Lieutenant
11 Kimbrough sent to him?

12 A. June 20th or 21st.

13 Q. Do you recall whether Dave Kratz
14 informed Lieutenant Kimbrough that he was suspended
15 without pay at some point?

16 A. I know that David Kratz reached out to
17 Lieutenant Kimbrough first to let him know that and
18 then followed-up with the separation agreement.

19 Q. At some point did Lieutenant
20 Kimbrough -- was he put out on paid leave pending
21 investigation?

22 A. Yes.

23 Q. And that was the investigation into the
24 possible disclosure of confidential information?

25 A. Yes.

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1 Q. And then tab O -- no, not tab O. It
2 says COB 168 and 169. It will be D-20.

3 * * * * *

4 (Whereupon, Exhibit D-20 was marked for
5 identification.)

6 * * * * *

7 BY MS. GRIESER:

8 Q. Do you recognize that?

9 A. I do.

10 Q. What is that?

11 A. This was the fact-finding notice that
12 was sent on July 25th I think.

13 Q. July 25th. And this was the
14 fact-finding meeting regarding --

15 A. Possible confidential information leak.

16 Q. And then I'll hand you what was
17 previously marked in Lauren Smith's deposition as
18 P-1. What is that document?

19 A. This is the termination discipline.

20 Q. What is the date on that document?

21 A. July 29, 2024.

22 Q. And that was the day that Lieutenant
23 Kimbrough was terminated from employment here at the
24 county?

25 A. Yes.

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1 Q. Moving on, you spoke earlier about the
2 law department having to reply to an emergency
3 motion. Do you recall that?

4 A. I do.

5 Q. Would you say that's a typical
6 occurrence in the law department that -- the need to
7 respond to emergency motions?

8 A. I've only seen that once since I've
9 been here.

10 Q. How about in your previous position?
11 If you recall. If you don't, that's fine.

12 A. Preliminary injunctions are different,
13 so none.

14 Q. And the county had to investigate this
15 alleged leak of confidential information. Who all
16 did that entail?

17 A. It entailed mostly the law department.
18 I know that we had to contact IT to get the e-mails.
19 I know that we were in touch with at least two or
20 three of the jail's administrators to get
21 information. HR was involved.

22 Q. Would it be fair to say that the
23 response was somewhat disruptive to the workings of
24 the county, those departments specifically that you
25 mentioned?

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1 A. Yes. Because it affected not just
2 litigation but then also the operations at the jail.
3 And because of his position and the ongoing
4 litigation, we recognize that we had to be deliberate
5 with what we were doing.

6 Q. Did the county have to investigate
7 whether any other information had been leaked?

8 A. Yes. It was brought to our attention
9 early on that Lieutenant Kimbrough in his position
10 had access to a lot of information about inmates'
11 criminal records, medical information and we wanted
12 to ensure that that information was not also being
13 leaked.

14 Q. And you mentioned earlier that
15 Lieutenant Kimbrough tended to be -- or was, in your
16 opinion, a favorite of the administration at the DOC.
17 What was the administration's response to learning of
18 Lieutenant Kimbrough's actions?

19 A. Disappointment, I guess, would be the
20 first word. And then stressed out because of his
21 position. It was going to be difficult to fill that
22 in if he wasn't there. And they had really --
23 because he had access to all this information, they
24 felt like he was really in a position of trust.

25 Q. And he was in a position of trust and

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1 is it fair to say that there was a breakdown in trust
2 by the supervisors in him?

3 A. Yes. I think another characterization
4 of their response would have been very surprised. I
5 think they weren't expecting this from him.

6 Q. Okay. Are there other -- if there are
7 employees who are concerned about a certain situation
8 or that you believe that something might pose a
9 safety issue, are there avenues for them to bring
10 their concerns to light or to people who could
11 possibly make a policy change in order to correct the
12 situation?

13 A. Yes. As public employees we can always
14 go to the commissioner's meetings. Those are public.
15 Specifically, for someone that works at the jail,
16 there's also prison oversight board meetings that
17 they can go to. We've even had people come straight
18 to the law department with their concerns, multiple
19 ways.

20 Q. Even an anonymous e-mail?

21 A. Even an anonymous e-mail, yes.

22 Q. Are you aware or did you become aware
23 that there are procedures that are in place for DOC
24 employees communicating to the public regarding
25 matters in the jail?

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1 A. Yes, I am aware of that.

2 Q. Okay. Did it seem to you that Ara
3 was airing his only personal grievances of how the
4 jail was staffed as opposed to altering --

5 A. Yes.

6 Q. -- the public regarding -- or alerting
7 the public to safety concerns?

8 A. The way he phases things in his meeting
9 with Dan and Lauren, it's a lot of people were told
10 without my knowledge. My unit was not staffed
11 correctly. It felt much more like he wanted things
12 to go a certain way in his unit and he would be upset
13 when they weren't.

14 Q. Did you become aware at any point that
15 Lieutenant Kimbrough alerted some people that he
16 wanted to grieve his termination?

17 A. I did become aware of that in August.

18 Q. And who did he contact?

19 A. I believe he contacted the
20 commissioners directly.

21 MS. GRIESER: Can we go off the record.

22 * * * * *

23 (Whereupon a discussion was held off
24 the record.)

25 * * * * *

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1 MS. GRIESER: I have no further
2 questions for you.

3 MR. MANSOUR: I have a few questions.

4 * * * * *

5 CROSS-EXAMINATION

6 * * * * *

7 BY MR. MANSOUR:

8 Q. So D-17. The notes from -- Lauren
9 Smith's notes from her and Dan Grieser's meeting with
10 Ara Kimbrough on June 12, 2024.

11 You said this was one of the -- by
12 reading these notes it was one of the ways that you
13 learned about the details of my client's conversation
14 with Attorney Ziegler; is that correct?

15 A. That's correct.

16 Q. And I think you had just testified a
17 few moments ago that your perception of my client's
18 complaints was that he was more -- they were more
19 personal, that he was -- complained about how his
20 unit was understaffed and how his request for more
21 staffing were being ignored; is that right?

22 A. That's right.

23 Q. Did he express more general concerns
24 about the safety of the unit?

25 A. He expressed -- just to clarify, do you

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1 mean here or do you mean ever?

2 Q. I mean specifically with respect to
3 Patterson?

4 A. In this specific meeting?

5 Q. In that specific meeting?

6 A. He does reference general concerns
7 about the Patterson case.

8 Q. Maybe three-quarters of the way down on
9 that first page, where it says AK says yeah, I talked
10 to him about the Patterson case and then it says DG,
11 what did you tell him? And then Kimbrough says
12 essentially that I felt some responsibility because
13 drugs were able to get through my unit and Patterson
14 died. I feel bad about that. It was a hundred
15 percent preventable and we failed on that.

16 Do you view that as a personal
17 grievance?

18 A. Considering he wasn't there, I think
19 it's him having some personal grievance that, yeah,
20 when I'm not there people do other things.

21 Q. You don't view that at all as him
22 having any concern about the fact that an inmate died
23 in the county jail as a result of drugs being
24 smuggled into the jail when he wasn't there?

25 A. I don't think that is his chief

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1 concern.

2 Q. What is his chief concern?

3 A. I don't know what his chief concern is.
4 My understanding from the investigation that I did on
5 the bullying was he needed a reason for the way he
6 acted.

7 Q. The way he acted when?

8 A. Toward the sergeants during the
9 bullying investigation.

10 Q. Can you elaborate more on that? He
11 needed a reason for what? I'm not sure what you mean
12 by that.

13 A. So he would lash out for -- on the
14 sergeants for not getting officers to his unit timely
15 or not having the number of officers that he wanted.
16 And the reason he gave me when I asked him was
17 because he felt bad that Patterson died.

18 Q. Mr. Kimbrough's position was that he
19 believed he was disciplined or accused of bullying
20 because he was holding his staff accountable. Isn't
21 that what he thought?

22 A. I don't know what he thought.

23 Q. You looked at that memo, right, or the
24 notes of the meeting from Lauren Smith?

25 A. Yes.

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1 Q. Can you turn to the second page? Can
2 you go about maybe halfway down where it says -- DG
3 says have you taken any other internal measures to
4 address this? Do you see that?

5 A. Yes.

6 Q. And then Ara Kimbrough stated I have
7 told everyone in my chain of command and reported it
8 to human resources. I have brought it up several
9 times. I have made it a point to be hypervigilant
10 about staffing. To be transparent, I just received a
11 step one discipline. Are you aware? Mr. Grieser
12 says yes, but not in detail. You can tell me about
13 it. Ara Kimbrough says the crux of it was me holding
14 the sergeants accountable for not staffing the units
15 and the way I did it.

16 Did you skip over that part when you
17 read through those notes?

18 A. Of course not.

19 Q. So Mr. Kimbrough was concerned or was
20 disciplining his subordinates for what he perceived
21 as them not correctly staffing the unit?

22 A. There's what he said.

23 Q. And what reason do you have to believe
24 that it was anything different than what he said?

25 A. His actions in general. Holding a

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1 subordinate accountable generally does not include
2 screaming in my face, demeaning them, telling them
3 not to fuck with him, things like that.

4 Q. Looking at D-12, can you turn to the
5 very last page of that report.

6 A. Yes.

7 Q. Now, you spoke to Director Kratz about
8 my client during the course of your investigation
9 into the bullying complaint, correct?

10 A. Yes.

11 Q. And Mr. Kratz characterized my client
12 as a quote hard ass; is that right?

13 A. Yes.

14 Q. And he also opined that the sergeants
15 who my client supervised were a young group that
16 needed consistent correction, did he not?

17 A. Yes.

18 Q. He also implied that the sergeants
19 probably have a negative view of my client or
20 negative relationship with him because he's a
21 tough -- quote tough supervisor, right?

22 A. Yes.

23 Q. But you disagree with Director Kratz?

24 A. I did.

25 Q. Why is that?

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1 A. After speaking with all of the
2 sergeants that routinely work with Lieutenant
3 Kimbrough, their perception, their understanding,
4 their experiences were more than just him being a
5 hard ass or him being a tough supervisor. And I made
6 it a point to say -- and understand that I work in an
7 office and they work in a jail. I understand that
8 the standard is different. He crossed that line even
9 still.

10 Q. But you never worked in the jail,
11 right?

12 A. I did have an office in the jail for a
13 while.

14 Q. You were never a corrections officer,
15 right?

16 A. I was never a corrections officer, no.

17 Q. Or a sergeant?

18 A. Or a sergeant.

19 Q. Or an administrative lieutenant?

20 A. Correct.

21 Q. Or any kind of lieutenant?

22 A. No.

23 Q. David Kratz was, right?

24 A. He was.

25 Q. He was the administrative lieutenant

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1 before Ara Kimbrough was, right?

2 A. He was.

3 Q. Who would know more about the inner
4 workings of the jail you or David Kratz?

5 A. Today?

6 Q. Back then.

7 MS. GRIESER: Objection as to form.

8 BY MR. MANSOUR:

9 Q. Back in June of 2024.

10 A. As far as this investigation goes, I
11 knew about more about this investigation than he did.

12 Q. Did you know more about Ara Kimbrough
13 than he did?

14 A. No.

15 Q. Did you know more about how to be an
16 administrative lieutenant than he did?

17 A. No.

18 Q. Did you know more about the
19 interpersonal relationships between sergeants and
20 their supervisors than David Kratz did?

21 A. That would be a closer call.

22 Q. So you might know more than the
23 previous lieutenant and current director of
24 corrections about the inner workings of the
25 relationships between sergeants and their

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1 supervisors?

2 A. You asked about the personal
3 relationships between the lieutenants and the
4 sergeants there. It's my understanding maybe one or
5 two of the sergeants would have overlapped with
6 Director Kratz. His office is not in the jail. And
7 so after the weeks of speaking with the sergeants, I
8 did feel I had a better understanding of their
9 relationship with Lieutenant Kimbrough than he did.

10 Q. Kratz also told you in your discussions
11 with him that having reception fully staffed is
12 important, right?

13 A. It is.

14 Q. In your memo there in the second to
15 last paragraph, you state in the days leading up to
16 Lieutenant Kimbrough's comma -- I think you probably
17 missed a would there. Kratz reiterated this theory
18 and also introduced a theory of why having reception
19 fully staffed is important in parenthesis i.e.
20 Patterson. Patterson being Joshua Patterson?

21 A. Correct.

22 Q. And it's important that -- and the
23 implication here being that Mr. Patterson died
24 because the reception was not fully staffed?

25 A. Could you clarify?

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1 Q. Why did you put Patterson in
2 parenthesis?

3 A. That was what was being referenced.

4 Q. By whom?

5 A. By Kratz.

6 Q. In what context?

7 A. He was previewing for me what
8 Kimbrough's arguments were going to be.

9 Q. How did he know what they were going to
10 be?

11 A. Because they talk.

12 Q. Did he say that they talked?

13 A. Yes.

14 Q. And what did he say Kimbrough told him?

15 A. He told him his reasonings.

16 Q. Which were?

17 A. I don't remember specifically.

18 Q. And you go on say specifically Kratz
19 said that Lieutenant Kimbrough may say some things we
20 quote don't want to hear?

21 A. Yes.

22 Q. What that does mean, we don't want to
23 hear? What kind of things would he say that we don't
24 want to hear?

25 A. He was previewing that Kimbrough was

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1 going to suggest that reception was not fully staffed
2 and that was why he acted the way he did towards his
3 sergeants.

4 Q. And why wouldn't -- and do you know by
5 we who he was referring to when you -- you use the
6 word we here. What do you mean by we?

7 A. When he was talking to me Kratz said he
8 might say some things you don't want to hear. So he
9 was referring to me. I took it to mean Diane Otto
10 and myself as we were conducting the investigation.

11 Q. And why did he believe you wouldn't
12 want to hear those things?

13 MS. GRIESER: Objection as to form.

14 You may answer.

15 THE WITNESS: I don't know.

16 BY MR. MANSOUR:

17 Q. And what were those things that -- did
18 he use specifics about what some of the things are
19 that you and Diane Otto might not want to hear?

20 A. Only the reference to Patterson.

21 Q. And that being that my client's opinion
22 that Patterson died and Rhoades was able to sneak
23 drugs in the jail because reception was understaffed?

24 A. His opinion of staffing.

25 Q. Why wouldn't you want to hear that?

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1 Isn't he encouraged to report these things?

2 A. I took the "you don't want to hear" as
3 in it's not going to support your investigation.
4 It's going to cut against what the sergeants have
5 said. Not that we don't want to hear legitimate
6 complaints about staffing.

7 Q. When Kratz told you that did you look
8 into that further and say, hey, you know, maybe
9 there's something to what Ara Kimbrough's been saying
10 about staffing in the reception unit?

11 A. I actually passed that up to Amy
12 Fitzpatrick as my -- one of my supervisors.

13 Q. What do you mean passed that up?

14 A. I let her know that that came up in
15 the -- because when he did bring it up on June 3rd, I
16 let her know and she followed-up on it.

17 Q. Would you say when he brought it up on
18 June 3rd, he being my client?

19 A. Yes.

20 Q. He brought it up to whom?

21 A. To Diane and I when we were conducting
22 the fact-finding meeting.

23 Q. So during that fact-finding meeting, he
24 brought up the fact that he believed Patterson
25 overdosed because of understaffing in the reception

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1 unit?

2 A. He did.

3 Q. When did you bring it up to Amy
4 Fitzpatrick?

5 A. Immediately after the meeting.

6 Q. Do you know if she looked into it?

7 A. I do.

8 Q. Did she?

9 A. She did.

10 Q. Okay. What did she do?

11 A. I don't know.

12 Q. Did she interview any employees?

13 A. I don't know.

14 Q. Did she interview Ara Kimbrough?

15 A. I don't know.

16 Q. Did she interview David Kratz?

17 A. I don't know.

18 Q. So how do you know that she looked into
19 it?

20 A. I know.

21 Q. How do you know?

22 A. I was told she looked into it.

23 Q. By whom?

24 A. By Amy Fitzpatrick.

25 Q. But she didn't tell you what she did to

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1 look into it?

2 A. No.

3 Q. Did you see any documents referencing
4 her looking into that matter?

5 A. No.

6 Q. Did you ever follow-up with her after
7 June 3rd to find out if she looked into it?

8 A. Directly like no, but all of this was
9 being discussed as part of Dan's investigation and
10 Lauren, the meeting he had with Dan and Lauren.

11 Q. Is there any anybody besides Amy
12 Fitzpatrick who would know whether his complaints
13 were investigated?

14 A. I don't know.

15 Q. His complaint about understaffing I
16 mean?

17 A. Whether they were investigated?

18 Q. By her or anybody else in the law
19 department subsequent to June 3rd?

20 A. I don't know.

21 Q. Would she know?

22 A. I don't know.

23 Q. You reference that the first time you
24 learned about my client's conversation with Attorney
25 Ziegler was in a May 31st meeting with the litigation

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1 team; is that correct?

2 A. Correct.

3 Q. Was that an in-person meeting?

4 A. No.

5 Q. How did that meeting take place?

6 A. Teams.

7 Q. Who was present for that?

8 A. Myself, Jaclyn Grieser, Ashley Dayoub,
9 maybe Tyler Burns. That would have been it.

10 Q. And what were you told during that
11 meeting?

12 MS. GRIESER: Objection. Privileged.
13 Don't answer.

14 MR. MANSOUR: I mean, she brought it
15 up.

16 MS. GRIESER: She brought up that there
17 was a meeting.

18 MR. MANSOUR: And then that's how she
19 learned about the information.

20 MS. GRIESER: She learned -- she said
21 that she learned about the information because
22 of that filing, which was then discussed.

23 MR. MANSOUR: Well, she said she
24 learned about it during a meeting with the
25 litigation team on May --

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1 THE WITNESS: I learned that he made a
2 call. I didn't learn what was said because we
3 didn't know.

4 BY MR. MANSOUR:

5 Q. You didn't know?

6 A. Nobody knew. We still don't know.

7 Q. You still don't know?

8 A. We still don't know.

9 Q. But you said it was confidential. The
10 information he shared with Attorney Ziegler you
11 concluded is confidential, right?

12 A. The information that he told us he
13 shared would be confidential, yes.

14 Q. Okay. So how do you know -- how can
15 you sit here and say you don't know what he shared
16 with Attorney Ziegler?

17 A. I don't know all that he shared with
18 Attorney Ziegler.

19 Q. What did Ara Kimbrough say that he
20 shared with Attorney Ziegler that you conclude as
21 confidential?

22 A. That I conclude as confidential?

23 Q. Uh-huh.

24 A. I would conclude any movements of
25 specific officers in the jail as it pertains to where

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1 they're staffed as confidential.

2 Q. Can you tell me where in any of the
3 documents that we have here that information is
4 divulged?

5 A. I believe he references staff were
6 pulled from my unit without my knowledge.

7 Q. But he doesn't say specifically, does
8 he?

9 A. I'm sorry, what was the question?

10 Q. He doesn't say specifically which staff
11 were pulled, did he? It's on the bottom of the first
12 page of the notes, just in case you're wondering.
13 That document right there, bottom of page 1.

14 How about we turn back to page 1 and
15 I'll ask you about it. So that last paragraph, I
16 think that's the one you're referring to.

17 A. Yes.

18 Q. Ara Kimbrough says staff were pulled
19 from my unit without my knowledge. Essentially what
20 had happened is a male officer was doing an unclothed
21 body search. His partner was up front. He told him
22 to go up front and see his partner, but his partner
23 was called elsewhere. So the inmate was able to go
24 back into the dirty cell and retrieve the contraband
25 drugs he had on his person and put it back into his

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1 county, and then the next page is redacted.

2 A. So you mean --

3 Q. I am not sure why the rest of that is
4 redacted. But, nevertheless, my question is where in
5 here does he disclose the identity of people or their
6 movements?

7 A. So I will say that the fact that he's
8 referencing partners doing the unclothed body search,
9 going up front, and then being able to be called
10 elsewhere, dirty cells, all of that is confidential
11 information and it goes to the security operations of
12 the jail.

13 Q. In what way? Does nobody else know
14 that people get strip searched?

15 A. Nobody?

16 Q. Nobody outside of the jail knows that
17 inmates may get strip searched is that what you're
18 saying?

19 A. I'm sure there are people that know
20 that.

21 Q. So why is that fact confidential?

22 A. The security operations, the way that
23 they go about the unclothed body search. The fact
24 that there's partners. Where they are when it
25 happens is confidential.

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1 Q. Okay. Where did he say they were when
2 it happens? His partner was up front, told him to go
3 up front and see his partner, but his partner was
4 called elsewhere. We don't know where, just
5 elsewhere.

6 So what about that is confidential?
7 Like, are you telling me that nobody outside of the
8 jail knows that corrections officers have partners
9 they work with?

10 MS. GRIESER: Objection as to form.

11 THE WITNESS: I told you I concluded
12 what was confidential about it and why I think
13 it's confidential. You might disagree with
14 that, but you asked me for my conclusion and I
15 gave it to you.

16 BY MR. MANSOUR:

17 Q. How do you define confidential?

18 A. I don't know that that is relevant.

19 Q. Well, it is because you're using that
20 word. So what does confidential mean to you such
21 that you can conclude this information is
22 confidential?

23 A. Anything that has to really do with
24 security operations for the jail.

25 Q. And the fact that my client said that

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1 staff were pulled from his unit without his
2 knowledge, that's confidential information?

3 A. Yep.

4 Q. And that essentially what happened is a
5 male officer was doing an unclothed body search.
6 That's confidential information?

7 A. Yes.

8 Q. His partner that is the male officer's
9 partner was up front. That is confidential
10 information?

11 A. Yes.

12 Q. And he told him to go up front and see
13 his partner but his partner was called elsewhere.
14 That's confidential information?

15 A. Yes.

16 Q. Did he say where the person was called?

17 A. Not right here.

18 Q. Whether it is a male or female officer
19 that was called?

20 A. It does not say.

21 Q. Who that officer was called by?

22 A. Not here.

23 Q. Where that officer was called to?

24 A. Not here.

25 Q. Were you involved at all in the

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1 Patterson litigation?

2 A. No.

3 Q. Those notes from Lauren Smith relating
4 to her meeting -- her and Dan Grieser's meeting with
5 my client, is that the only source of information
6 that you have regarding what my client said to
7 Attorney Zeigler?

8 A. I also have Dan's report.

9 Q. So in addition to those notes and Dan's
10 report, is there any additional information?

11 A. I have information that was obtained
12 during the fact-finding meeting that happened on July
13 27th, I think.

14 Q. And what did my client say during that?
15 And you were present for that meeting, right?

16 A. I was present, yes.

17 Q. Along with Lauren Smith?

18 A. Yes.

19 Q. And that meeting lasted all of two or
20 three meetings, right?

21 A. Right.

22 Q. What did my client say in that meeting?

23 A. He reiterated most of this and then
24 said that he didn't feel it was confidential
25 information.

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1 Q. Now, you mentioned earlier that
2 initially you were analyzing whether my client may be
3 protected by the whistleblower law; is that right?

4 A. Uh-huh.

5 Q. You said that you didn't consider
6 whether he was protected by the First Amendment,
7 correct?

8 A. When?

9 Q. At any time.

10 A. I did consider it.

11 Q. When?

12 A. Probably when I received a letter from
13 you citing that that was a potential claim that he
14 would be bringing.

15 Q. Did you write a similar memo or any
16 sort of memo analyzing his potential First Amendment
17 claims?

18 A. I did.

19 Q. Who did you provide that to?

20 A. My supervisors.

21 Q. Who would that have been?

22 A. Jaclyn Grieser and Amy Fitzpatrick.

23 (REQUEST)

24 MR. MANSOUR: I'm going to ask for a
25 copy of that. Whether you want to provide a

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1 redacted copy but it wasn't produced initially
2 in the discovery. The whistleblower memo was,
3 redacted of course.

4 MS. GRIESER: I believe it was produced
5 redacted.

6 MR. MANSOUR: I don't think so. But if
7 it has been, maybe I missed it. There's been
8 thousands of pages, many which are repetitive.

9 MS. GRIESER: Specifically, what are we
10 talking about?

11 MR. MANSOUR: Shae's memo about First
12 Amendment.

13 BY MR. MANSOUR:

14 Q. You had also testified that there were
15 other avenues for my client to complain about what he
16 viewed as understaffing besides going to Attorney
17 Ziegler; is that correct?

18 A. Yes.

19 Q. And you had mentioned commissioners
20 meetings?

21 A. Yes.

22 Q. Had my client gone to a commissioners
23 meeting, would he have been in violation of county
24 policy?

25 A. No.

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1 Q. If he shared the exact information,
2 would he have been in violation of county policy?

3 A. The same exact information?

4 Q. Let's say my client went to a
5 commissioners meeting and said that staff were pulled
6 from his unit without his knowledge and that there
7 was an officer who was doing an unclothed body search
8 and thought his partner was up front but his partner
9 was called elsewhere. So the inmate was able to go
10 back into the dirty cell and retrieve the drugs that
11 he hid there. He said all of those things at a
12 county commissioners meeting, would he have been in
13 violation of policy?

14 A. Potentially, if it was a public
15 meeting. Because it would have been disseminated and
16 there would have been the same concern had he simply
17 contacted the commissioners or gone to the part of
18 their meeting that was not publicly broadcasted, then
19 no.

20 Q. Can you say for certain that he would
21 have been violating policy had it been done publicly?

22 MS. GRIESER: Objection to form.

23 BY MR. MANSOUR:

24 Q. Or you can't say one way or the other?

25 A. I would say I can't say one way or the

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1 other.

2 Q. He did tell you about it, right?

3 A. About what?

4 Q. About what happened on that particular
5 date and that he had concerns about understaffing of
6 the reception unit, right?

7 A. He did.

8 Q. And he also told Lauren Smith who's
9 part of HR?

10 A. Yes.

11 Q. And he also told you that he had
12 complained numerous times up the chain of command to
13 his supervisors?

14 A. Yes.

15 Q. Did you ask any of those supervisors
16 whether he made any complaints?

17 A. Yes.

18 Q. Who did you talk to?

19 A. I talked to Carl Metellus. I talked to
20 James Coyne. I talked to David Kratz. I talked to
21 Kelly Reed.

22 Q. What did they say?

23 A. Regarding?

24 Q. Regarding whether they received any
25 complaints from Ara Kimbrough about understaffing?

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1 A. They said he frequently complains that
2 sergeants don't get officers to his unit in a timely
3 manner. They said he's a hard ass and that they
4 don't like his responses. At no time was there ever
5 a violation of the staffing policies of the jail.

6 Q. Would you characterize Ara Kimbrough as
7 middle management, in the position of administrative
8 lieutenant as middle management?

9 A. In a corrections sense, yes.

10 Q. And David Kratz you said doesn't have
11 an office at the prison?

12 A. No.

13 Q. Is David Kratz at the prison on a daily
14 basis?

15 A. Yes.

16 Q. Does he work closely with Ara Kimbrough
17 on a daily basis?

18 A. Not anymore.

19 Q. Did he when Ara Kimbrough was there?

20 A. Yes.

21 Q. How about the warden?

22 A. Who's the warden?

23 Q. The deputy warden.

24 A. Which one?

25 Q. How many are there?

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1 A. Two or three.

2 Q. Did they work with Ara Kimbrough
3 closely on a daily basis?

4 A. At least one of them.

5 Q. When you went through Ara Kimbrough --
6 you mentioned before that there had been, I don't
7 know, whether -- I -- you looked through Ara
8 Kimbrough's e-mails?

9 A. I never looked through his e-mails.

10 Q. Did somebody look through his e-mails?

11 A. We looked through the recipients of his
12 e-mails, just the sender and the received e-mail.

13 Q. Every e-mail that he sent?

14 A. From a specific time frame.

15 Q. What time frame?

16 A. I believe early March until -- at the
17 time it was June 1st I think.

18 Q. March of '24?

19 A. Yes.

20 Q. To early June of '24?

21 A. Yes.

22 Q. Did anybody look through his e-mails to
23 see if there were any complaints he made up the chain
24 of command about understaffing of his unit?

25 A. We looked through only -- like

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1 subject -- I think we got subject, dates, and the
2 recipient of the e-mail.

3 Q. Okay. Did you or anybody else -- let
4 me ask just about you specifically. Were you
5 involved in this e-mail search that you're referring
6 to?

7 A. I knew that it was happening. I wasn't
8 involved.

9 Q. Do you know who was involved?

10 A. I believe it was Amy Fitzpatrick and
11 Jaclyn Grieser.

12 Q. Do you know whether they looked for any
13 e-mails relating to my client's complaints of
14 understaffing of the reception unit?

15 A. I don't know.

16 Q. Would they know?

17 A. I don't know.

18 Q. So it would be fair to say that at
19 least in your opinion you didn't want -- or the
20 county didn't want anybody outside of the jail
21 knowing things that my client shared with Attorney
22 Ziegler, correct?

23 MS. GRIESER: Objection as to form.

24 You can answer.

25 THE WITNESS: Could you repeat the

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1 question?

2 BY MR. MANSOUR:

3 Q. Sure. The county didn't want anybody
4 outside of the county knowing about the things that
5 my client shared with Attorney Ziegler, correct?

6 A. The county doesn't want anyone outside
7 of the county to know anything related to the
8 security operations of the jail.

9 Q. I'm talking specifically about the
10 details my client shared with Attorney Ziegler.
11 Those details specifically. The county didn't want
12 anybody outside of the county to know about those,
13 right?

14 A. It's not that they wanted them to be
15 hidden. They didn't want it to be generally known by
16 the public.

17 Q. But he didn't share it with the public,
18 did he?

19 A. No.

20 Q. He shared it with Attorney Ziegler,
21 right?

22 A. Who's outside of the county.

23 Q. But not part of the public? I mean,
24 it's not like it was shared with the general public,
25 right? He shared it with one specific person?

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1 A. What was his intent though to get it
2 out there?

3 Q. I don't know what his intent was, but
4 he shared it with just one specific person, right?

5 A. I don't know.

6 Q. As far as you know, he didn't share it
7 with anybody other than Attorney Ziegler, right?

8 A. As far as I know, right.

9 Q. And it was especially concerning that
10 he shared it with Attorney Ziegler because Attorney
11 Ziegler was suing the county, right?

12 MS. GRIESER: Objection as to form.

13 You may answer.

14 THE WITNESS: Can you -- it wasn't
15 especially concerning because of that, no.

16 BY MR. MANSOUR:

17 Q. That wasn't a factor in the county's
18 decision to suspend him and discharge my client?

19 A. I wasn't involved in the Patterson
20 case, so that wasn't an especially concerning factor
21 to me.

22 Q. Where's the termination letter? Is
23 that -- here it is. Which one is it? This one here?
24 Yeah. My client was discharged, according to that
25 letter, for sharing alleged confidential information

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1 with the plaintiff's attorney pertaining to a lawsuit
2 against the DOC/County of Bucks, right?

3 A. He admitted to contacting plaintiff's
4 attorney.

5 Q. And sharing alleged confidential
6 information pertaining to a lawsuit against the DOC
7 slash County of Bucks period, correct?

8 A. Correct.

9 Q. So to whoever wrote that -- and that
10 was written by Lauren Smith, right?

11 A. She signed it.

12 Q. Did you see that before Lauren Smith
13 gave it to my client?

14 A. I don't remember.

15 Q. So at least according to that
16 disciplinary action form, the fact that my client
17 shared the information with Attorney Ziegler who was
18 suing the county, that was a factor in his discharge,
19 right?

20 A. Are you asking the fact that he was
21 suing the county specifically as a factor?

22 Q. The fact -- yes.

23 A. Because I read this as him admitting to
24 contacting plaintiff's attorney and sharing
25 confidential information as the reason. The fact

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1 that he was suing the county, does not -- that's not
2 the reason.

3 Q. But it says there he was contacting
4 plaintiff's counsel, right --

5 A. Yeah, that's what it says.

6 Q. It doesn't say that he was sharing
7 confidential information with a third party, right?

8 A. Well, that is a third party.

9 Q. It doesn't say third party, right?

10 A. No. But it --

11 Q. No, it says plaintiff's counsel
12 pertaining to a lawsuit against the county?

13 A. Yeah, a third party.

14 Q. It doesn't say there pertaining to
15 security, the jail security, does it?

16 A. No.

17 Q. It says pertaining to a lawsuit against
18 the county, right?

19 A. Uh-huh.

20 Q. It doesn't say pertaining to internal
21 operating procedures of the county, right?

22 A. No. It says lawsuit against DOC/County
23 of Bucks.

24 Q. So that was the information that he
25 shared. It pertained to a lawsuit against the

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1 DOC/County of Bucks --

2 MS. GRIESER: Objection as to the form.

3 MR. MANSOUR: -- right?

4 THE WITNESS: I already answered the
5 question.

6 BY MR. MANSOUR:

7 Q. So it doesn't say anything about
8 sharing confidential information pertaining to jail
9 security, does it?

10 MS. GRIESER: Objection. Asked and
11 answered as to form.

12 THE WITNESS: Right.

13 BY MR. MANSOUR:

14 Q. It doesn't say for sharing confidential
15 information pertaining to jail operating procedures,
16 does it?

17 MS. GRIESER: Objection. Asked and
18 answered. Object to form.

19 THE WITNESS: Right.

20 BY MR. MANSOUR:

21 Q. Were you asked about your -- were you
22 asked by any of the decision makers your opinion as
23 to whether Ara Kimbrough should be fired?

24 MS. GRIESER: Objection. Privileged.
25 Don't answer.

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1 MR. MANSOUR: It's not privileged.

2 It's a personnel decision. I'm not asking

3 about any legal opinions or legal advice.

4 THE WITNESS: You asked whether I was
5 asked?

6 BY MR. MANSOUR:

7 Q. Whether you were asked, should the
8 county fire Ara Kimbrough?

9 A. No.

10 Q. You were not?

11 A. No.

12 Q. Did you ever give that opinion?

13 A. Did I ever give --

14 MS. GRIESER: Objection. Privileged.

15 THE WITNESS: What opinion?

16 BY MR. MANSOUR:

17 Q. That Ara Kimbrough should be fired?

18 A. No.

19 Q. Did you have any conversations with
20 Lauren Smith after your fact-finding meeting with Ara
21 Kimbrough on July 25th, I think it was?

22 MS. GRIESER: Objection. You can
23 answer as long as it doesn't break the
24 attorney/client privilege.

25 THE WITNESS: I honestly don't remember

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1 if we had a specific conversation after the
2 fact finding.

3 BY MR. MANSOUR:

4 Q. Did you take notes during that
5 fact-finding meeting?

6 A. No. I never do.

7 Q. Did Lauren Smith?

8 A. Yes. You know what, can I correct
9 that? I might have taken notes, but I can't remember
10 for sure.

11 Q. Would you still have those notes if you
12 did take them?

13 A. If I took them, there's a good chance I
14 still have them.

15 Q. Would you be able to look for them
16 after this deposition is over?

17 A. Yeah.

18 Q. Okay. During the investigation into
19 the alleged bullying, my client brought up what he
20 believed to be discriminatory conduct by certain
21 employees; is that correct?

22 A. That is correct.

23 Q. And two of those employees were
24 Sergeant Dierdelowitz (ph) and Sergeant Patel,
25 correct?

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1 A. Correct.

2 Q. And those two employees were the ones
3 who were allegedly the subject of his bullying
4 behavior?

5 A. Uh-huh.

6 Q. Did you ever personally investigate my
7 client's complaints of discrimination?

8 A. I did.

9 Q. What did you do?

10 A. I interviewed employees at the jail. I
11 spoke with management at the jail.

12 Q. Who did you speak to? What employees?

13 A. I don't remember all of them. I know I
14 spoke with Lieutenant Sherman, Captain Nottingham,
15 Carl Metellus.

16 Q. Zachary Sherman has had his own
17 complaints against him, correct?

18 MS. GRIESER: Objection to the form.

19 BY MR. MANSOUR:

20 Q. Complaints of discrimination, sexual
21 harassment in particular?

22 MS. GRIESER: Object to the form.

23 THE WITNESS: Not that I'm aware of.

24 BY MR. MANSOUR:

25 Q. Did you take notes as part of that

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1 investigation?

2 A. Probably.

3 Q. Did you prepare a report similar to the
4 one you did for my client's investigation regarding
5 bullying?

6 A. No.

7 Q. Do you still have those notes from that
8 investigation?

9 A. I don't know.

10 Q. Did you talk to Sergeant Dierdelowitz
11 about my client's allegations?

12 A. I did.

13 Q. Did you talk to Sergeant Patel about my
14 client's allegations?

15 A. I did.

16 Q. If you have notes, would those notes
17 reflect your conversation with Sergeant Dierdelowitz
18 and Sergeant Patel?

19 A. They would.

20 (REQUEST)

21 MR. MANSOUR: I would ask that you,
22 after this deposition, take a look and see if
23 you could find any of those notes.

24 BY MR. MANSOUR:

25 Q. Did you ever reach any findings as a

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1 result of that investigation?

2 A. I did not.

3 Q. Did you ever report to either Jaclyn
4 Grieser or Amy Fitzpatrick about your findings from
5 that investigation?

6 A. We have, as I mentioned, regular
7 litigation meetings where I would relay all of my
8 findings or non-findings to my supervisors.

9 Q. So in any one of those meetings, did
10 you rely to them your findings from your
11 investigation into my client's complaints of
12 discrimination?

13 A. I can't recall when, but if I would
14 have had something, then yes.

15 MR. MANSOUR: I have no further
16 questions.

17 MS. GRIESER: I just have a few
18 follow-ups.

19 * * * * *

20 REDIRECT EXAMINATION

21 * * * * *

22 BY MS. GRIESER:

23 Q. Mr. Mansour asked you about people
24 looking into Lieutenant Kimbrough's complaints about
25 staffing. And you mentioned that you spoke to

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1 several wardens, Kelly Reed, Carl Metellus, Jeff
2 Contino; is that right?

3 A. I think I said James Coyne.

4 Q. Okay. And after talking with them, was
5 -- did any of them have any opinion that there was a
6 legitimate safety concern of which Lieutenant
7 Kimbrough was complaining of?

8 A. None of them had the opinion that there
9 was a legitimate safety concern.

10 Q. Was it their opinion that it was just
11 Lieutenant Kimbrough's personal preference to have
12 people report to his unit quicker?

13 A. Yes.

14 Q. And Mr. Mansour asked you about whether
15 Lieutenant Kimbrough had brought up staffing concerns
16 with HR, Lauren Smith, and the law department?

17 A. Uh-huh.

18 Q. Do you recall that?

19 A. Uh-huh.

20 Q. Do you recall when he brought those up?

21 A. It would have been in the June 3rd
22 fact-finding meeting.

23 Q. And I believe at the end of Lauren
24 Smith's notes from the meeting with Dan Grieser, she
25 makes a notation at the very bottom I believe.

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1 A. Uh-huh.

2 Q. Is -- what is that notation?

3 A. After Ara left the room Lauren Smith
4 told Dan Grieser that Ara did not make a report to HR
5 about a safety concern. He mentioned it while he was
6 being interviewed by Diane and Shae regarding the
7 bullying and accusations against him. They
8 rightfully did not engage. They kept their
9 conversation related to the accusations against him.

10 Q. So it wasn't until he was being
11 investigated for bullying that he brought up any
12 alleged issues with staffing with HR and the law
13 department?

14 A. Right.

15 Q. Are you aware -- have there ever been
16 any findings that the unfortunate death of
17 Mr. Patterson due to the overdose was because of a
18 lack of staffing in the intake unit?

19 A. Not to my knowledge.

20 Q. And to be clear, Lieutenant Kimbrough
21 was not terminated for the bullying investigation?

22 A. Right.

23 Q. And this is D-20. And Mr. Mansour had
24 talked to you at length about information being
25 disclosed to plaintiff's counsel. Do you recall

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1 that?

2 A. Yes.

3 Q. Does the county have a general rule
4 that no one is to comment on ongoing litigation?

5 A. I believe they do, yes.

6 Q. And, in fact, Lieutenant Kimbrough was
7 terminated for violating several DOC and HR policies;
8 is that correct?

9 A. Yes.

10 Q. And those policies are noted on D-20?

11 A. Yes, they are.

12 Q. To the best of your knowledge, none of
13 those policies relate in any way to communicating
14 with plaintiff's counsel; is that right?

15 A. Right, not specifically.

16 Q. And -- again, to be clear, you have
17 absolutely no decision making authority for
18 terminations, correct?

19 A. Correct.

20 Q. You have just an advisory role only?

21 A. Right. Legal advice.

22 MS. GRIESER: One moment. I have
23 nothing further. Thank you.

24 MR. MANSOUR: Two more follow-up
25 questions.

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1 * * * * *

2 RECROSS-EXAMINATION

3 * * * * *

4 BY MR. MANSOUR:

5 Q. Ms. Randolph, you're a lawyer, right?

6 A. I am.

7 Q. You're specifically -- have experience
8 in employment and labor law, right?

9 A. I do.

10 Q. In your legal opinion you would agree
11 that workplace policies do not trump the First
12 Amendment to the United States Constitution, right?

13 MS. GRIESER: Objection as to form.
14 You can answer.

15 THE WITNESS: May I? In this specific
16 case or in general?

17 MR. MANSOUR: In general. If there's a
18 conflict between a workplace rule and the
19 First Amendment, which one prevails?

20 THE WITNESS: The First Amendment.

21 BY MR. MANSOUR:

22 Q. I want to refer you to the
23 investigative report again too. If you can turn to
24 page 10. Under section C you write in reviewing the
25 incident report from BCCF on the night of the inmate

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1 overdose referenced by Lieutenant Kimbrough in his
2 interview, what interview?

3 A. The interview that was part of this
4 investigation.

5 Q. And that must have been before May 17th
6 when this --

7 A. Yes.

8 Q. So you interviewed him prior to May
9 17th?

10 A. As part of the investigation, yes.

11 Q. And during that interview did he tell
12 you that he believed understaffing was what led to
13 the death of Joshua Patterson?

14 A. I don't recall him telling me that in
15 that interview, no.

16 Q. Did he complain to you during that
17 interview about discriminatory activity by other
18 employees?

19 A. Not that I recall.

20 Q. Can you go to the second paragraph?
21 Right there. Now, this memo that is dated May 17th,
22 you said additionally there is a notable lack of
23 documentation that the discriminatory activity
24 suggested by Lieutenant Kimbrough was taking place.
25 So, obviously, at least as of May 17th, you were

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1 aware of complaints that my client made regarding
2 discriminatory conduct, right?

3 A. He didn't make them to me though.

4 Q. He made them to somebody, right?

5 A. Yeah.

6 Q. Do you know who?

7 A. Yes. He made them to David Kratz who
8 then told me about them.

9 Q. So you were aware of them as early as
10 May 17th, probably earlier?

11 A. Definitely earlier.

12 Q. You were also aware that he had been
13 making complaints about understaffing of the
14 reception unit at least as early as May 17th,
15 probably earlier?

16 A. His complaints -- at that time my
17 understanding was his complaint was specific to
18 certain instances, not in general.

19 Q. Certain instances of what he believed
20 was understaffing in the reception unit?

21 A. Right. When he had his reaction to
22 Sergeant Patel or Sergeant Dierdelowitz.

23 MR. MANSOUR: No further questions.

24 THE COURT REPORTER: Normal delivery
25 for everyone?

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1 MR. MANSOUR: Yes. And I just need an
2 electronic copy, please.

3 MS. GRIESER: Yes.

4 * * * * *

5 (This concludes the deposition of Shae
6 Randolph, Esquire at 2:57 p.m.)

7 * * * * *

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1 C E R T I F I C A T I O N

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I hereby certify that the proceedings and
evidence noted are contained fully and accurately in
the stenographic notes taken by me upon the foregoing
matter dated _____2025, and that this is a
correct transcript of the same.


RENEE SCHUMANN
COURT REPORTER

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